

## **REMARKS**

Responsive to the Office Action mailed on February 15, 2007 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

### Present Status of Application

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2, 4 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng et al (U.S. Patent No. 6,548,394, hereinafter "Peng"). Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng in view of Hsu et al (U.S. Patent No. 6,274,471, hereinafter "Hsu"). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng in view of Yen et al (U.S. Patent No. 6,713,335, hereinafter "Yen"). Claims 6 and 9-14 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In this paper, claims 1, 2 and 6 are amended. Support for the amendments can be found in the original claims and, for example, Figs. 2B and 2H and related portions of the specification.

Claims 16-32 are canceled. Thus, on entry of this amendment, claims 1-15 remain pending in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

### Allowable Subject Matter

Applicant thanks the Examiner for his indication in the Office Action that claims 6 and 9-14 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. 112

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this paper, claim 1 is amended to recite forming a first liner on the substrate. Applicant therefore submits that "the first liner" recited in claims 7 and 8 find proper antecedent basis in limitations recited in amended claim 1.

Rejections Under 35 U.S.C. 102(e)

Claims 1-2, 4 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Amended claim 1 recites a fabrication method for a damascene bit line contact plug, comprising the steps of providing a semiconductor substrate having a first gate conductive structure, a second gate conductive structure and a source/drain region, in which the source drain region is formed in the substrate between the first gate conductive structure and the second gate conductive structure; forming a first liner on the substrate; forming a first conductive layer in a space between the first gate conductive structure and the second gate conductive structure, in which the first conductive layer is electrically connected to the source/drain region; **forming a second liner on the substrate to cover top of the first conductive layer**; forming an inter-layer dielectric with a planarized surface overlying the substrate to cover the first conductive layer, the first gate conductive structure, and the second gate conductive structure; forming a bit line contact hole in the inter-layer dielectric to expose the top of the first conductive layer; and

forming a second conductive layer in the bit line contact hole, in which the combination of the second conductive layer and the first conductive layer serves as a damascene bit line contact plug.

Peng discloses a method of forming contact plugs. However, contrary to claim 1, there is no teaching or suggestion of the formation of a second liner to cover top of the contact pad 70a (i.e., the alleged "first conductive layer"). See Figs. 2A-2J and columns 3-6 of Peng in this regard.

For at least the reasons described above, it is Applicant's belief that the cited reference fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 2-15 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng in view of Hsu.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peng in view of Yen.

As noted above, it is Applicant's belief that claims 3 and 5 are allowable by virtue of their dependency from claim 1. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Applicant further notes that the Examiner appears to have misidentified Hsu in the office action (US 2004/0092070 as opposed to US 2,274,471).

Foreign Priority Claim

Acknowledgment of Applicant's claim to foreign priority under 35 USC 119(a)-(d) or (f) and receipt of the certified copies of the priority document(s) is respectfully requested.

Appl. No. 10/715,616  
Examiner: Chacko Davis, Deborah, Art Unit 1756  
In response to the Office Action dated February 15, 2007

Date: March 9, 2007  
Attorney Docket No. 10113181

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**.

Respectfully submitted,

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